

## Kids in Peril: Protecting Children Online 2004

*2 Hours - Telecourse DVD  
May 2004*

With so many children online today, the internet provides predators with a new home base-- cyberspace-- from where they may target kids for terrible criminal acts. This Telecourse program explores the many challenges facing law enforcement in ensuring that the internet remains a safe place for youngsters.

The DVD program offers three viewing options:

1. Play Telecourse in its entirety (108 min.)
2. Select among six Telecourse segments:
  - Introduction (11 min.)
  - Traveler Case (27 min.)
  - Computer Enticement (20 min.)
  - Child Porn (23 min.)
  - Missing Child (20 min.)
  - Summary (7 min.)
3. Select among four Interactions (scenario-only segments):
  - Traveler Case (5 min.)
  - Computer Enticement (3 min.)
  - Child Porn (2 min.)
  - Missing Child (3 min.)

POST Course Control Number: xxxx-30001-xx015\*  
Telecourse Module Number: 04-05  
Reference Guide: None

\* Specific to DVD only. The first four digits of the Course Control Number (xxxx) is the preassigned Telecourse Presenter Number specific to your agency; the tenth and eleventh digits (xx) are the fiscal year in which your agency presents this program. See website for detailed instructions.



45 Minutes - Quarterly Edition DVD  
January 2004

## **Motorhomes and Houseboats: Homes or Vehicles?**

*with William Bedsworth, Justice of the Court of Appeal, State of California*  
A warrant, consent, or an emergency is necessary to search a house, but a warrant is not necessary to search a readily mobile vehicle. Such vehicles can be searched on probable cause alone. But what about hybrids-- homes that move like vehicles? Justice Bedsworth explains the rules that apply to houseboats and motorhomes. *Cases/Statutes cited: Pennsylvania v. Labron* (1996) 518 US 938; *U.S. v. Albers* (9th Cir. 1998) 136 F3d 670; *U.S. v. Hill* (6th CA 1988) 855 F2d 664; *California v. Carvey* (1985) 471 US 386; *People v. Black* (1985) 173 CA3d 506. (6:04)

## **DUI: Blood and Breath Tests**

*with Jeff Rubin, Alameda County District Attorney's Office*  
Discusses two new cases involving the admissibility of tests used to determine blood alcohol levels. The first holds that the drawing of blood by a phlebotomist who is not specifically authorized to do so by Title 17 may still be admissible in court. The second holds that Title 17 does not require the officer who watches a DUI suspect for the 15 min. before the breath test occurs to be certified as a test operator. *Cases/Statutes cited: People v. Esayan* (2003) 112 Cal.App.4th 1031; *Hernandez v. Gutierrez* (2003) DJDAR 13842. (6:30)

## **Every Miranda Issue You Can Imagine**

*with Daniel McNeerney, Superior Court Judge, State of California*  
The *Sapp* case involves the interrogation of a suspect in a multiple murder case where numerous Miranda issues are raised and discussed by the court. *Cases/Statutes cited: People v. Sapp* (2003) 31 C4 240; *Davis v. U.S.* (1994) 512 US 452; *Brewer v. Williams* (1977) 430 US 387; *Oregon v. Bradshaw* (1983) 462 US 1039. (7:39)

## **Excessive Force: Compression Asphyxia**

*with Jeff Rubin, Alameda County District Attorney's Office*  
Kneeling on an agitated individual's back and neck while he lies handcuffed and prone on his stomach can cause a fatal condition called compression asphyxia. Officers who keep their knees on the back and neck of a cuffed mentally deranged individual may be deemed to have used excessive force in violation of the Fourth Amendment where the individual is no longer resisting and repeatedly states he is having difficulty breathing because of the weight of the officers atop him. *Cases/Statutes cited: Drummond ex rel. Drummond v. City of Anaheim* (2003) 9th Cir. 343 F3d 1052. (11:27)

## **What is a Chop Shop?**

*with William Bedsworth, Justice of the Court of Appeal, State of California*  
Chop shops are always depicted on television as being big-time operations with a large, warehouse-like building and a half-dozen cars being dismantled. In a recent case, however, a onetime dismantling in a sister's garage was enough to violate Vehicle Code Section 10801. *Cases/Statutes cited: People v. Sanchez* 2003 DJDAR 12350; *Vehicle Code Sections 10801 and 250*. (7:13)

## **Excessive Force in Use of Handcuffs**

*with Jeff Rubin, Alameda County District Attorney's Office*  
Using an excessive amount of force in handcuffing a detainee-- as well as inflicting unnecessary pain by keeping a detainee cuffed too tightly for too long-- may result in a violation of the Fourth Amendment. *Cases/Statutes cited: Meredith v. Erath* (2003) 342 F3d 1057. (6:23)



50 Minutes - Quarterly Edition DVD  
February 2004

Case Law Today programs are released quarterly on a single DVD containing up to three months (18 total segments). Case Law Today programs are not accompanied by reference guides nor eligible for Continuing Professional Training (CPT) credit.

#### **Search Warrants: More on "Specificity"**

*with Daniel McNerney, Superior Court Judge, State of California*

A search warrant that merely identifies what items are to be searched-- but fails to articulate what the officer is searching for and what type of criminal activity is suspect-- fails to meet the constitutional requirement of "specificity." Cases/Statutes cited: U.S. v. Wong; U.S. v. Bridges (2003) DAR 10861. (7:43)

#### **Suicide by Cop: No Liability**

*with Jeff Rubin, Alameda County District Attorney's Office*

Discusses a case where officers did not violate the State constitutional rights to privacy and freedom from unlawful search/seizure when they shot a suspect who led them on a 3-hour chase, fired several shots at them, and got into an armed standoff in a public place. The case also held that officers were not required to allow suspect's relatives to have access to the suspect. Cases/Statutes cited: City of Simi Valley v. Superior Court (2003) 111 Cal.App.4th 1077. (5:37)

#### **P.C. Section 653.23: Aiding a Prostitute**

*with William Bedsworth, Justice of the Court of Appeal, State of California*

Felony violations of P.C. Section 266h (pimping and pandering) can be difficult to prove or deemed not worthy of the time and expense of a felony prosecution; however, P.C. Section 653.23 (aiding a prostitute), which is a misdemeanor, is much easier to prove but many officers are unaware of it. Cases/Statutes cited: People v. Futrell (2003) DJDAR 13274; P.C. Section 266h; P.C. Section 653.23. (6:22)

#### **No-Knock Entry: The Latest Case**

*with Jeff Rubin, Alameda County District Attorney's Office*

Exigent circumstances justifying a no-knock entry exist where 1) officers reasonably believe a residence contains explosives and meth, 2) officers know a suspect has carried concealed weapons in the past, and 3) a person tries to deny officers entry after unexpectedly opening the door before officers have a chance to announce their presence. Cases/Statutes cited: U.S. v. Peterson (2003) 9th Cir. WL 23023850. (9:17)

#### **Probable Cause to Arrest: Passengers**

*with Daniel McNerney, Superior Court Judge, State of California*

Passengers in a vehicle found to contain evidence of criminal activity may be subject to arrest if there is some reasonable basis for connecting them to that evidence. Cases/Statutes cited: Maryland v. Pringle (2003) DAR 13581; Ybarra v. Illinois (1979) 444 U.S. 85; U.S. v. Dire (1948) 332 U.S. 581. (10:40)

#### **Forcibly Taking Blood After PAS Test**

*with Jeff Rubin, Alameda County District Attorney's Office*

Exigent circumstances allowing a forced withdrawal of blood from a DUI suspect still exist even though the suspect has already been given a PAS test. Cases/Statutes cited: People v. Wilson (2003) WL 230284263. (7:54)



45 Minutes - Quarterly Edition DVD  
March 2004

## Read the Order

with William Bedsworth, Justice of the Court of Appeal, State of California  
In the Beier case, officers were sued because they tried to enforce a domestic violence protection order without reading it. Justice Bedsworth discusses the rules that pertain to service of all orders-- protection orders, search warrants, arrest warrants, anything issued by a court-- chief among which is the requirement that the officer knows what the order says. *Cases/Statutes cited: Beier v. City of Lewiston* (2004) DJDAR 416; *Guerra v. Sutton* (1986) 783 F2d 1371. (8:05)

## Child Pornography: Exhibition Doesn't Equal Exposure

with Jeff Rubin, Alameda County District Attorney's Office  
A defendant may be guilty of violating P.C. Section 311.3 (inducing a minor to pose for photos that involve sexual conduct) and 311.4 (making copies of photos of minors involved in sexual conduct) even though the genital area of the minor is covered. *Cases/Statutes cited: People v. Spurlock* (2004) 8 Cal.Rptr.3d 372; P.C. Section 311.3 and 311.4. (6:28)

## Pretext Stops: Still Legal

with Daniel McNerney, Superior Court Judge, State of California  
In Ibarra, the court reiterates the rule that pretext traffic stops are quite legal, no matter how blatant the pretext is. *Cases/Statutes cited: U.S. v. Ibarra* (2003) DAR 10973; *Whren v. U.S.* (1996) 517 U.S. 806. (8:27)

## Community Caretaking Exception: Latest Case

with Jeff Rubin, Alameda County District Attorney's Office  
The "community caretaking exception" to a warrant requirement did not allow deputies to hop over a locked gate to check on occupants of a plant nursery/home based solely on 1) presence of two marijuana leaves on neighbor's nursery fence, 2) marijuana debris in his driveway, 3) a dirt indentation under the nursery fence, and 4) the neighbor's speculation that the occupants were growing marijuana and may have been ripped off. *Cases/Statutes cited: People v. Ray* (1999) 21 Cal.4th 464; *People v. Morton* (2004) 114 Cal.App.4th 1039. (9:21)

## Breathalyzers: 15 Minutes of "Continuous Observation"

with William Bedsworth, Justice of the Court of Appeal, State of California  
The code requires that a breathalyzer test be administered only after the subject has been under continuous observation for 15 minutes and has not eaten nor drunk, regurgitated, vomited, nor smoked. In the case of Gutierrez, the question raised was who has to conduct the "continuous observation." Justice Bedsworth explains that the answer is "anyone," but it is not quite that simple. *Cases/Statutes cited: Taxara v. Gutierrez* (2004) DJDAR 31. (5:16)

## Roadblocks to Locate Witnesses

with Jeff Rubin, Alameda County District Attorney's Office  
A police roadblock (briefly stopping drivers to ask about an accident and hand out flyers) designed to locate witnesses to a fatal hit-and-run accident was held constitutional because the crime being investigated was serious, the roadblock was tailored to fit the investigative needs, and the stops were minimally intrusive. *Cases/Statutes cited: Illinois v. Lidster* (2004) 124 S.Ct. 885; *Indianapolis v. Edmond* (2002) 531 U.S. 32. (6:00)



## Additional Information

### Distribution and Ordering

Beginning July 2003, new CPTN video programs are distributed on DVD format only. Single copies of DVDs are automatically direct-mailed to all POST-Certified Telecourse Presenters and Basic Academies in the California POST Program. DVD programs cannot be duplicated. Multiple copies of CPTN materials are available via automated direct-mail to eligible agencies with multiple training sites. See POST Bulletins #03-03 and #03-13 at [www.post.ca.gov/bulletin/bulletins.asp](http://www.post.ca.gov/bulletin/bulletins.asp) for more information about DVD distribution and eligibility.

Visit the CPTN website at [www.post.ca.gov/training/cptn](http://www.post.ca.gov/training/cptn) for complete CPTN information, video listings, and to complete a video order form. Other questions not answered online may be directed to the POST Training Program Services Bureau at 916.227.3913, or send email to [cptn@post.ca.gov](mailto:cptn@post.ca.gov).

### Telecourse CPT Credit

This month's Telecourse and most previous Telecourses are eligible for continuing professional training (CPT) credit if facilitated by a POST-Certified Telecourse Presenter. Certified Presenters of POST Advanced Officer Courses or Skills and Knowledge Modular training courses may also use the Telecourses as part of those courses. POST-Certified Telecourse Presenters seeking CPT credit for trainees must document Telecourse attendance on POST Course Roster (Form 2-111). Note that course control numbers are different for Telecourses on DVD. For detailed instructions on completion of the Telecourse Course Roster, visit [www.post.ca.gov/training/cptn/credit.asp](http://www.post.ca.gov/training/cptn/credit.asp). Law enforcement agencies and POST-Certified Telecourse Presenters are authorized to duplicate CPTN VHS or print materials for training purposes. Call the POST Training Delivery Bureau at 916.227.4863 for more information about Telecourse CPT credit.

### Content Disclaimer

The opinions expressed in CPTN programs reflect the views and interpretations of the individual subject matter experts featured, and information contained in CPTN programs may not apply to your agency or training institution. Check consistency with local laws and departmental policies and procedures before using CPTN videos for training or informational purposes. Neither the Commission on POST (CPTN) nor the contributing producers of CPTN programs assume responsibility for their use.

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## Frequently Asked Questions

### Is My Agency on the DVD Mailing List?

To determine if your agency is listed as a Certified Telecourse Presenter or POST Basic Academy and on the DVD distribution list— or to obtain more information about Telecourse certification— visit POST online at [www.post.ca.gov/training/cptn/credit.asp](http://www.post.ca.gov/training/cptn/credit.asp). If your agency is not listed and you wish to register as a Certified Telecourse Presenter with POST, follow the website instructions or contact the Training Delivery Bureau at 916.227.4863. A single copy of each newly released DVD program is automatically direct-mailed to eligible POST agencies monthly (Telecourses) or quarterly (Case Law Today). For eligible agencies with multiple training sites, the agency Training Manager may request multiple DVD copies by contacting POST at 916.227.3913. See POST Bulletins #03-03 and #03-13 online at [www.post.ca.gov/bulletin/bulletins.asp](http://www.post.ca.gov/bulletin/bulletins.asp) for additional information about the DVD transition and agency eligibility.

### Which Programs Are On VHS and DVD?

All new Telecourse video programs produced July 2003 and beyond are released only on DVD format. Telecourses broadcast on the network prior to July 2003 may still be ordered on VHS format only (NOTE: some prior Telecourses are scheduled for re-release on DVD format later in 2003-2004; check the CPTN website for upcoming releases). Case Law Today programs will be released on a quarterly basis (three months/18 segments per DVD). Case Law Today is available on DVD beginning with January 2003 episodes; programs prior to 2003 may still be ordered on a monthly VHS format only.

### Does CPTN Still Do Weekly Satellite Broadcasts?

The satellite broadcast service transitioned to a DVD-based delivery system in July 2003. All new **Telecourse** and **Case Law Today** video programs are distributed on DVD via direct-mail to law enforcement agencies and Basic Academies in the California POST Program who are registered with POST as Certified Telecourse Presenters (see above). The monthly Telecourse series is designed to assist law enforcement training managers and instructors in meeting specific training needs or legislative mandates for their agency. Produced exclusively by California POST, instructional Telecourses may be used by agencies in the California POST program to satisfy Continuing Professional Training (CPT) requirements. As part of the conditions for Telecourse use, the Telecourses must be facilitated at the local agency by an instructor or supervisor. The Case Law Today program is not eligible for CPT credit.

### Is the CPTN Program Guide Available by Mail?

The monthly CPTN Program Guide is now available exclusively online at the POST website at [www.post.ca.gov/training/cptn/program\\_guide.asp](http://www.post.ca.gov/training/cptn/program_guide.asp). The Program Guide provides updated program information not only for the current month DVD releases, but also future CPTN program releases and other CPTN information. The CPTN Program Guide is no longer printed nor mass-mailed.



# PROGRAM GUIDE

## Future CPTN Programs

### **Traffic Stops 2003**

June 2004 - Telecourse DVD

### **Chemical Agents 2003:**

#### **Tear Gas to OC Spray**

June 2004 - Special Video DVD

### **Communications Training Officer 2003:**

#### **Tools for the Trainer**

July 2004 - Telecourse DVD

### **Case Law Today**

#### **(Apr-May-Jun 2004)**

July 2004 - Quarterly Edition DVD